IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Crl.Rev.Pet.No. 1565 of 2002(C)

CRA.125/1999 of ADDL. DISTRICT AND SESSIONS COURT , MANJERI
CC.709/1995 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, MANJERI

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REVN. PETITIONER/APPELLANT/ACCUSED:

THEYLAKKADAN SHOWKATHALI,
S/O. MOHAMMED HAJI, PULPATTA VILLAGE IN
ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT/ RESPONDENT/COMPLAINANT:

THE SUB INSPECTOR OF POLICE,
AREAKODE POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.8636 OF 2002 IN C.R.R.P.NO.1565 OF 2002

DISMISSED

27/02/2007 Sd/- K.R.UDAYABHANU,JUDGE

TRUE COPY

P.A.TO JUDGE

K.R.UDAYABHANU,J

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Crl.R.P.No.1565 OF 2002

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Dated this the 27th day of February, 2007

ORDER

The petitioner stands convicted for the offence under Sections 448,323 and 324 read with Section 34 I.P.C and sentenced to undergo rigorous imprisonment for three months under Section 448 I.P.C and also to undergo rigorous imprisonment for three months under Section 323 I.P.C and also to undergo rigorous imprisonment for six months under Section 324 I.P.C. The case is that on 10.11.1998 at about 10.30 p.m. accused 1 and 2, in furtherance of their common intention trespassed into the house of CW1 and A2 beat with a wooden reaper on her face and A1 kicked on her stomach. The second accused was absconding at the time of trial. It is submitted that subsequently that he compounded the matter with the defacto complainant. The evidence adduced in the matter consisted of the testimony of PW1, the defacto complainant, PW2 the sister of PW1 residing in the same house . PW3 the mother of the PWs 1 and 2 also residing in the same house. PWs 1 to 3 have testified as to the incident. No discrepancy could be brought out in the cross examination of PWs 1 to 3 with their previous statements. The

evidence of PW1 is corroborated by the medical evidence of PW5, the Medical Officer, has recorded the wound certificates. There are injuries noted on the face of PW1.

2. It is contented that there is delay in lodging the F.I.R. PW1 was admitted in the hospital on the next day at 12 noon. The F.I.S. is recorded at the hospital. The same was duly proved by PW6, the Head Constable. PW7 the Investigating Officer has proved the recovery of MO1 stick. The husband of PW1 was working abroad. Delay cannot be said to be inordinate. No other circumstance has been brought out to support the contention that there is deliberation and after thought. The findings are concurrent and are well supported by proper reasons. Hence, the conviction is sustained.

3. The revision petitioner has contented that incident has taken place in 1995. Of course, much time has elapsed since the commencement of the proceedings. Considering the same the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the defacto complainant and in default to undergo simple imprisonment for two months for the offence under Section 324 I.P.C. No separate sentence is awarded for the offences under Sections 448 and 323 I.P.C.

The revision Petition is disposed of accordingly. The revision petitioner is granted one months' time to pay the amount of compensation.

K.R.UDAYABHANU,JUDGE.

dvs